

AMENDED IN SENATE JULY 2, 1999
AMENDED IN SENATE JUNE 23, 1999
AMENDED IN ASSEMBLY APRIL 14, 1999
AMENDED IN ASSEMBLY APRIL 5, 1999
AMENDED IN ASSEMBLY MARCH 11, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 221

Introduced by Assembly Member Wildman
(Coauthors: Assembly Members Florez, Havice, and
Pescetti)
(Coauthor: Senator O’Connell)

January 26, 1999

An act to amend Section 417.25 of, and to add Section 417.26 to, the Penal Code, relating to lasers.

LEGISLATIVE COUNSEL’S DIGEST

AB 221, as amended, Wildman. Lasers: obstructing a peace officer.

Existing law provides that every person who, except in self-defense, knowingly draws or exhibits a laser scope, as defined, that projects a colored target on a person in a threatening manner against that person with specific intent to cause a reasonable person apprehension or fear of bodily harm is guilty of a misdemeanor, punishable by imprisonment in a county jail for up to 30 days.

This bill would include a laser pointer in this provision and further provide that any person who aims or points a laser scope or laser pointer at a peace officer with the specific intent to harass or cause the officer apprehension or fear of bodily harm and who knows or reasonably should know the person at whom he or she is aiming or pointing is a peace officer, is guilty of a misdemeanor punishable by imprisonment in a county jail for a term not exceeding 6 months. The bill additionally would provide that any person who commits a second or subsequent violation of either offense is guilty of a misdemeanor punishable by imprisonment in a county jail for a term not to exceed one year. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 417.25 of the Penal Code is
2 amended to read:
3 417.25. (a) Every person who, except in self-defense,
4 knowingly draws or exhibits a laser scope, as defined in
5 subdivision (b), or a laser pointer, as defined in
6 subdivision (c) that projects a colored target on a person
7 in a threatening manner against that person with the
8 specific intent to cause a reasonable person apprehension
9 or fear of bodily harm is guilty of a misdemeanor,
10 punishable by imprisonment in a county jail for up to 30
11 days. For purposes of this section, the laser scope need not
12 be attached to a firearm.
13 (b) As used in this section, “laser scope” means a
14 portable battery-powered device capable of being
15 attached to a firearm and capable of projecting a laser
16 light on objects at a distance.



1 (c) As used in this section, “laser pointer” means any
2 hand held laser beam device or demonstration laser
3 product that emits a single point of light amplified by the
4 stimulated emission of radiation that is visible to the
5 human eye.

6 SEC. 2. Section 417.26 is added to the Penal Code, to
7 read:

8 417.26. (a) Any person who aims or points a laser
9 scope as defined in subdivision (b) of Section 417.25, or a
10 laser pointer, as defined in subdivision (c) of that section,
11 at a peace officer with the specific intent to ~~harass the~~
12 ~~officer or to~~ cause the officer apprehension or fear of
13 bodily harm and who knows or reasonably should know
14 that the person at whom he or she is aiming or pointing
15 is a peace officer, is guilty of a misdemeanor punishable
16 by imprisonment in a county jail for a term not exceeding
17 six months.

18 (b) Any person who commits a second or subsequent
19 violation of subdivision (a) shall be punished by
20 imprisonment in a county jail for not more than one year.

21 SEC. 3. No reimbursement is required by this act
22 pursuant to Section 6 of Article XIII B of the California
23 Constitution because the only costs that may be incurred
24 by a local agency or school district will be incurred
25 because this act creates a new crime or infraction,
26 eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section
28 17556 of the Government Code, or changes the definition
29 of a crime within the meaning of Section 6 of Article
30 XIII B of the California Constitution.